

ORIGINAL

GODWIN WHITE & GRUBER, P.C.

Michael K. Hurst, Esq.

State Bar No. 10316310

Mary A. Goodrich, Esq.

State Bar No. 24002694

901 Main Street, Suite 2500

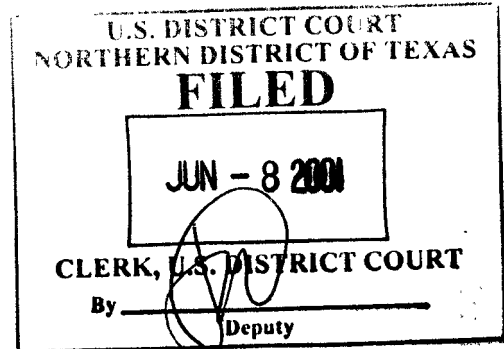
Dallas, Texas 75202

Telephone - (214) 939-4400

Facsimile - (214) 760-7332

ATTORNEYS FOR PLAINTIFF,

ALYSSA WRIGHT



IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

ALYSSA WRIGHT

Plaintiff,

v.

BLYTHE-NELSON, et al

Civil Action No. 3-99cv2522-DM

**PLAINTIFF'S REPLY TO DEFENDANT'S RESPONSE TO PLAINTIFF'S MOTION
FOR LEAVE TO DESIGNATE EXPERT WITNESSES AND BRIEF IN SUPPORT**

TO THE HONORABLE JUDGE SIDNEY FITZWATER:

NOW COMES, Alyssa Wright, Plaintiff in the above-entitled and numbered cause of action, and files this her reply to Defendants' Response to Plaintiff's Motion for Leave to Designate Expert Witnesses and Brief in Support, and would respectfully show the Court as follows:

I.

1.1 Godwin White & Gruber, P.C. substituted in as counsel of record for Plaintiff in December, 2000 approximately four months after the expert designation deadline. Plaintiff's previous counsel, Joe Brown, was engaged in a hard-fought election campaign for the position of

County Attorney for Grayson County, Texas. Mr. Brown, while in the midst of his campaign, has indicated that he was operating under the belief that he had an agreement with opposing counsel that the discovery deadline would be extended. However, this agreement was never put in writing.

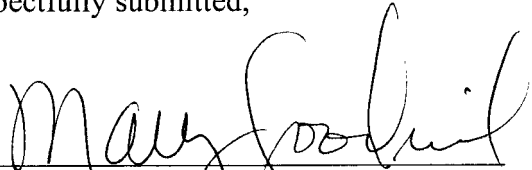
1.2 Godwin, White & Gruber, P.C. despite its late substitution into the lawsuit, has made reasonable efforts to identify and designate expert witnesses in an expeditious fashion. In fact, Plaintiff provided Defendants with a preliminary expert report on money damages on February 12, 2001. Since that date, Defendants have made no effort to obtain any information about that report or to seek the deposition of the author of that report.

1.3 Furthermore, Defendants were informed during the deposition of Plaintiff that a psychologist or psychiatrist has been retained as consulting expert only. Obviously, Plaintiff was not in a position to designate Dr. DeFrancesca as an expert until she had the opportunity to analyze and evaluate the Plaintiff and prepare a report regarding her findings. Such report was produced to Defendants promptly upon receipt.

1.4 Plaintiff's failure to timely designate her expert witnesses was rooted in the confusion surrounding the necessity for Plaintiff to substitute counsel. Plaintiff's previous counsel, Mr. Brown, was in the midst of his election campaign during the discovery phase of this lawsuit. Mr. Brown's subsequent election mandated his withdrawal from the private practice of law. This period of time also coincided with the transfer of this case from the Eastern District, Sherman Division to the Northern District, Dallas Division. During this time, Mr. Brown was operating under the impression that the discovery deadlines would be extended, especially in light of his campaign. Mr. Brown failed to memorialize this impression in writing. Plaintiff's substituted counsel, Godwin White & Gruber, P.C., had no reason to believe that the parties did not have an understanding regarding the August deadline and therefore set out to identify and designate experts to testify regarding Plaintiff's damages and to assist the trier of fact in an expeditious manner.

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that the Court grant her Motion for Leave and also prays for such other and further relief, at law or in equity, to which she may be justly entitled

Respectfully submitted,

By: 
Michael K. Hurst
State Bar No. 10316310
Mary A. Goodrich
State Bar No. 24002694

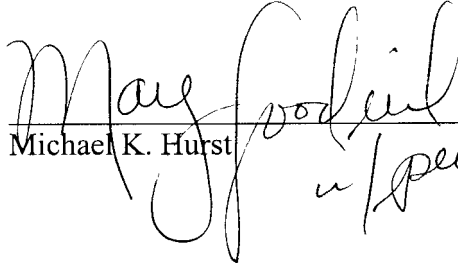
GODWIN, WHITE & GRUBER, P.C.
901 Main Street, Suite 2500
Dallas, TX 75202
(214) 939-4400
(214) 760-7332 - Fax
ATTORNEYS FOR PLAINTIFF,
ALYSSA WRIGHT

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on June 8, 2001, a true and correct copy of Plaintiff's Reply to Defendant's Response to Plaintiff's Motion for Leave to Designate Expert Witnesses and Brief in Support has been served via certified mail, return receipt requested to all counsel of record listed below:

Ms. Rebecca Singer, Esq.
Burleson, Pate and Gibson
2414 Akard Street, Suite 700
Dallas, TX 75201
Attorneys for Defendants Blythe-
Nelson, Inc., Blythe-Nelson, Blythe-
Nelson Management Services, L.L.P.,
Jeannette C. Bell, James L. Blythe and
Mart D. Nelson

Donna Morris
Morris & Morris
900 Parker Square, Suite 235
Flower Mound, TX 75028
Attorneys for Defendants Roger L.
Beck, Donald Chester, Suzanne
DeLarios, Linda S. Downs, William L.
Morgan, Alan Plott and Lynn Poole


Michael K. Hurst
u/permission